

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ONOFRIO POSITANO,

Plaintiff,

v.

GEISINGER-GMC,

Defendant.

NO. 3:18-CV-0190

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

ORDER

NOW, this 11th day of April, 2019, upon review of the Report and Recommendation of Magistrate Judge Martin C. Carlson (Doc. 37) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 24) is **ADOPTED in part.¹**
- (2) The Motion to Dismiss (Doc. 33) pursuant to Federal Rule of Civil Procedure 12(b)(1) is **GRANTED**.
- (3) Plaintiff's claims are **DISMISSED without prejudice** for lack of jurisdiction.
- (4) The Clerk of Court is directed to mark the case as **CLOSED**.


A. Richard Caputo
United States District Judge

¹ Plaintiff has indicated that he never received a copy of Defendant's motion to dismiss. (*See Doc. 38, generally*). Thus, I will not deem the motion unopposed. Instead, for reasons explained by Magistrate Judge Carlson, subject matter jurisdiction does not exist over Plaintiff's claims.